



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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August 18, 2003

David W. Reid, M.D.
232 Business Park Drive
Virginia Beach, Virginia 23462

CERTIFIED MAIL
7160 3901 9844 2318 7856

RE: License No. 0101-033089

Dear Dr. Reid:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Wednesday, October 22, 2003, at 8:45 a.m., at the Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. The conference will be conducted pursuant to Sections 54.1-2919, 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

An Informal Conference Committee ("Committee"), composed of three members of the Board, will inquire into allegations that you may have violated certain laws governing the practice of medicine in Virginia during the course of your treatment of Patient A for chronic non-malignant pain due to reflex sympathetic dystrophy syndrome ("RSDS") and depressive disorder from approximately July, 1993 through approximately July, 2002. Specifically:

1. You may have violated §54.1-2915A(4) and (3), as further defined in §54.1-2914.A (8) and (11) [formerly §54.1-2914.A(10) and (13)] of the Code as your care and management of Patient A for chronic pain is grossly careless, a danger to the health and welfare of your patient, and harmful to the public, in that:

a. You failed to perform an appropriate initial physical examination and conduct appropriate testing given Patient A's extensive prior history and you failed to explore the effectiveness of previous treatment plans.

b. During the nine-year period you treated Patient A, you failed to conduct substantive physical examinations or reviews related to his progress. You failed to objectively and subjectively monitor pain levels and functional changes to Patient A. You failed to establish a comprehensive treatment plan and then monitor such plan regularly to document the effectiveness of treatment.

c. Except for an initial brief, telephonic consultation with a pain management specialist in or about July 1993, you did not confer with any other specialist during your treatment of Patient A, despite the patient's lack of progress, your continuing increase of dosages without any sustained improvement in functioning, and your own lack of experience in the area of pain management.

d. You ignored documentation of multiple prior treating physicians that Patient A was an abuser of prescription drugs and manipulative of medical providers. Your record for Patient A contains documentation of seven prior treating physicians' concerns with his use of narcotics.

e. Despite your own experience early in treatment that Patient A overused the drugs you prescribed, as documented in your Progress Note of October 19, 1993, wherein you stated, "I will need to carefully monitor the amount [of medication] that he gets," you continued to increase the quantity of narcotic medication prescribed.

f. You failed to cause Patient A to enter into a pain management agreement or to otherwise monitor Patient A's use of medication through regular drug screenings, dosage counts, and medication refills to monitor compliance with medication usage.

2. You may have violated § 54.1-2915.A(4) and (3), as further defined in §54.1-2914.A(3), (8), (11) and (12) [formerly §54.1-2914.A(5), (10), (13) and (14)], § 54.1-3303 of the Code when you indiscriminately prescribed Dilaudid (hydromorphone), a schedule II controlled substance of high abuse potential, in excess of recommended dosages without substantiating the necessity for the excess prescriptions in Patient A's medical record. Patient A's record reflects no systematic monitoring of the effect of these increased dosages on his course of treatment. From June, 2000 to April 2001, contrary to sound medical judgment, you prescribed 13,800 dosage units of Dilaudid 4mg to Patient A, along with substantial quantities of Valium (diazepam), a Schedule IV controlled substance of abuse potential. In July 2002, Patient A was arrested for selling Dilaudid.

3. You may have violated § 54.2915.A(4) and (3) as further defined in §54.1-2914.A(3), (8), (11) and (12) [formerly § 54.1-2914.A(5), (10), (13) and (14)], and §54.1-3303 of the Code when you continued to prescribe narcotics to Patient A from March 1999 through

June 2000, when he was living in Florida. During that time, you prescribed 17,250 dosage units of Dilaudid 4 mg without maintaining records on Patient A, without evaluating Patient A's pain level, mental or physical functioning. Said prescribing is contrary to sound medical judgment.

4. You may have violated § 54.1-2915.A(3) as further defined in § 54.1-2914.A (11) and (12) [formerly § 54.1-2914.A (13) and (14)] and § 54.1-3408.01 of the Code when on or about March 15, 2001 you wrote a prescription for Dilaudid for Patient A and post-dated the prescription for March 24, 2001. By your own admission, you post-dated prescriptions for Patient A on other occasions.

5. You may have violated § 54.1-2915.A(4) and (3), as further defined in § 54.1-2914.A (8) and (11) [formerly §54.1-2914.A (10) and (13)] of the Code during your treatment of Patient A for depression. Specifically:

a. Therapy notes over a nine year period show the use of the treatment modality of Supportive Psychotherapy for a patient with severe psychopathology which was characterological in nature, resistant to treatment, and which resulted in patient's lack of functioning in virtually all aspects of human behavior. Sessions were scheduled infrequently and cancelled by patient regularly so that the actual therapy sessions were sporadic. Despite continued cancellations, you continued to provide Patient A with opioid medications.

b. You failed to respond in any significant way to patient's verbalizing of suicidal ideation, even though patient lived alone and had minimal supports. On November 10, 1995, although noting in the chart that patient was suicidal, you set up the next appointment for two weeks hence, neglected to form a contract with the patient aimed at suicide prevention, failed to discuss what the patient should do in crisis, and then permitted client to cancel the following appointment without making any effort to reach out to patient or assess suicide risk. Instead, your only response to self-reports of increased depression was to prescribe increased dosages of Dilaudid and Valium.

c. You failed to establish and document a treatment plan to address Patient A's diagnosis of chronic depression, to monitor progress or lack of progress, and to document the effects of the anti-depressant and other medications prescribed.

Please see Attachment I for the name of the patient/individual referenced above. Further, you should bring your complete, original medical file for the patient as identified in Attachment I to the informal conference.

The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing.
2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice Medicine in Virginia.
3. The Committee may reprimand or censure you.
4. The Committee may impose a monetary penalty pursuant to Section 54.1-2401 of the Code.
5. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of Medicine in Virginia.

You have the right to information which will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents which will be distributed to the members of the Committee, and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixson, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by 12 noon on October 1, 2003. Your documents may not be submitted by facsimile or e-mail. Should you or Assistant Attorney General Emily Wingfield wish to submit any documents for the Committee's consideration after October 1, 2003, such documents shall be considered only upon a ruling by the Chair of the informal conference committee that good cause has been shown for late submission.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on October 22, 2003. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on September 10, 2003. Only one

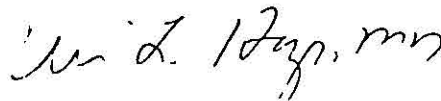
such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after September 10, 2003, will not be considered

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Mykl Egan, Senior Adjudication Analyst, at (804) 662-7592.

Sincerely,



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

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ME/DReidNIF.DOC

Enclosures:

Attachment I
Informal Conference Package
Map

cc: Dianne L. Reynolds-Cane, M.D., Acting President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Renee S. Dixon, Discipline Case Manager, Board of Medicine
Emily Wingfield, Assistant Attorney General (w/enclosures)
Mykl Egan, Senior Adjudication Analyst
Colleen C. Lewis, Senior Investigator [78572]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DAVID W. REID, M.D.
License No.: 0101-033089

CONSENT ORDER

By letter dated August 18, 2003, the Virginia Board of Medicine ("Board") noticed Dr. Reid for an informal conference to inquire into allegations that he may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia. In accordance with Sections 54.1-2919, 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held on October 22, 2003, in Williamsburg, Virginia. An Order was entered memorializing the Committee's findings of fact, conclusions of law and disciplinary action taken. By letter dated December 4, 2003, Dr. Reid noted his appeal of the Committee's decision. Therefore, pursuant to Section 54.1-2919 of the Code, the Board's Order was vacated, and the matter is set for a formal administrative hearing.

In lieu of proceeding to a formal administrative hearing, the Board and Dr. Reid, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Reid to practice medicine in Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings of fact and conclusions of law:

1. David W. Reid, M.D., was issued license number 0101-033089 to

practice medicine and surgery in Virginia on April 23, 1981. Said license will expire on January 31, 2006, unless renewed or otherwise restricted.

2. Dr. Reid is a board certified psychiatrist who has been practicing in the Virginia Beach, Virginia area since 1981.

3. Between July 2, 1993 and July 18, 2002, Dr. Reid treated Patient A for depression and chronic pain related to reflex sympathetic dystrophy. During the course of treatment, Dr. Reid violated § 54.1-2915.A(4) and (3), as further defined in § 54.1-2914.A(8) and (11) of the Code, in that:

- a. He failed to perform an appropriate initial physical examination, conduct appropriate testing given Patient A's extensive prior history, and explore the effectiveness of previous treatment plans prior to initiating treatment.
- b. He did not document that he reviewed and considered the records of multiple prior treating physicians, which stated that Patient A was an abuser of prescription drugs and manipulative of medical providers. Dr. Reid's record for Patient A contains documentation of seven prior treating physicians' concerns regarding the patient's use of narcotics.
- c. He failed to establish a comprehensive treatment plan, objectively monitor pain levels and functional changes, conduct substantive physical examinations, or document the

effectiveness of the treatment.

- d. Despite the lack of sustained improvement in Patient A's functioning, Dr. Reid did not consult with a chronic pain specialist during his treatment of Patient A, with the exception of a telephonic consultation in or about July 1993.
- e. Dr. Reid failed to cause Patient A to enter into a written pain management agreement or to otherwise monitor Patient A's use of medication through regular drug screenings, dosage counts, and medication refills to monitor compliance with medication usage.

4. Dr. Reid violated § 54.1-2915.A(4) and (3), as further defined in § 54.1-2914.A(8), (11) and (12), and § 54.1-3303 of the Code, in that, he continued to prescribe opioids to Patient A from March, 1999, through June, 2000, while Patient A was living in Florida. During that time, Dr. Reid prescribed 17,250 dosage units of Dilaudid (hydromorphone) 4mg., a Schedule II controlled substance of high abuse potential, without maintaining records on Patient A and without evaluating Patient A's pain level, emotional judgment, or physical health.

5. Dr. Reid violated § 54.1-2915.A(4) and (3), as further defined in § 54.1-2914.A(8), (11) and (12) and § 54.1-3303 of the Code, in that he prescribed 13,800 doses of Dilaudid 4mg., to Patient A from June 2000 to April 2001. Documentation did not exist for the necessity of these amounts, nor did the

record reflect systematic monitoring of the effects of these dosages. Dr. Reid also prescribed substantial quantities of Valium (diazepam), a Schedule IV controlled substance of abuse potential. In July 2002, Patient A was arrested for selling Dilaudid to an undercover police officer.

6. Dr. Reid violated § 54.1-2915.A(3), as further defined in § 54.1-2914.A(11) and (12) and § 54.1-3408.01 of the Code, when, on or about March 15, 2001, Dr. Reid wrote a prescription for Dilaudid for Patient A and post-dated the prescription for March 24, 2001.

CONSENT

I, David W. Reid, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and I am represented by John C. Warley, Esquire;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I neither admit nor deny the truth of the above Findings of Fact and

Conclusions of Law, but I agree not to contest them in any future hearing before the Board; and

6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Dr. Reid be issued a REPRIMAND and a MONETARY PENALTY in the amount of Three Thousand and 00/100 dollars (\$3,000.00) is imposed. This penalty shall be paid to the Board within ninety (90) days from entry of this Consent Order. In addition, Dr. Reid's license to practice medicine and surgery is subject to the following terms and conditions:

1. Dr. Reid is prohibited from treating chronic pain patients.
2. Dr. Reid must transfer the care of all present chronic pain patients to an appropriate physician within forty-five (45) days of entry of this Consent Order.
3. Dr. Reid is prohibited from prescribing, administering or dispensing any Schedule II or Schedule III controlled substances that contain analgesics.
4. Should Dr. Reid wish to resume treatment of chronic pain patients, or to resume the prescribing of Schedule II or Schedule III controlled substances that contain analgesics, he may petition the Board to appear before an informal conference to demonstrate his competency to do so.

5. Within twelve (12) months of entry of this Consent Order, Dr. Reid shall successfully complete 10 hours of Category I, AMA approved Continuing Medical Education (“CME”) in the area of medical record keeping, which shall be approved in advance of registration by the Executive Director of the Board. Within twenty one (21) days of completion of the CME, Dr. Reid shall submit verification of completion satisfactory to the Board. Any CME hours obtained in compliance with this term shall not be used towards compliance with the Board’s continuing education requirements for license renewal.

6. Within 3 months of submitting proof of satisfactory completion of Term 5, Dr. Reid shall make his patient medical and billing records available to an investigator of the Department of Health Professions (“Investigator”). The investigator shall obtain and copy for submission to the Board a random sample of fifteen (15) of Dr. Reid’s patient medical and billing records where treatment of the patients was provided after the CME was completed.

7. Upon receipt of the medical records from the investigator, the Compliance Division of the Department of Health Professions shall prepare and submit a compliance report to the Executive Director of the Board. The Executive Director may determine no further action is necessary with respect to patient medical and billing records or, in his discretion, may refer the matter for review by an informal conference committee.

8. Dr. Reid shall cooperate with the Board and the Department of

Health Professions in the investigation or inspection of his practice to verify that he is in compliance with this Consent Order.

9. Dr. Reid shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

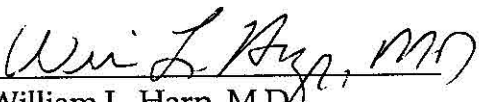
10. Dr. Reid shall notify the Executive Director of the Board by certified mail of any change of address within ten days of such occurrence.

11. Dr. Reid shall notify the Board immediately in writing should he intend to change the location of his practice.

Violation of this Consent Order may constitute grounds for suspension or revocation of Dr. Reid's license. In the event that Dr. Reid violates this Consent Order, an administrative proceeding may be convened to determine whether his license shall be revoked.

Pursuant to Section 54.1-2400.2(F) of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 4/22/04

SEEN AND AGREED TO:

David W. Reid M.D., D.F.A.P.A.
DAVID W. REID, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Va. Beach, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 21st day of April, 2004, by David W. Reid, M.D.

Shirena Morgan
Notary Public

My commission expires: 10/31/2008



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

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June 20, 2005

David W. Reid, M.D.
Clinical Associates of Tidewater
232 Business Park Drive, Suite #120
Virginia Beach, Virginia 23462

CERTIFIED MAIL
7160 3901 9848 3153 1524

RE: License No.: 0101-033089

Dear Dr. Reid:

The Virginia Board of Medicine ("Board") has received a report from the Compliance Division regarding your compliance with the terms of the Board's Order entered April 22, 2004. A review of this report indicates you paid the monetary penalty on May 18, 2004, and have fully complied with the terms and conditions placed on your license. In addition, a review of the patient records obtained note an improvement in your medical recordkeeping.

Therefore, pursuant to the authority granted by Term #7 of the Board's Order, this matter has been closed effective this date. The records of the Board have been updated to reflect that you have a full and unrestricted license.

Pursuant to §54.1-2400.2 (F) of the *Code of Virginia*, a signed copy of this letter shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

The Board wishes you well in your future endeavors.

Sincerely,

William L. Harp, M.D.
Executive Director

cc: Reneé S. Dixon, Discipline Case Manager [93265]
Patricia Hanchey, Administrative Assistant
Melony Johnson, APD

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions